

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: McKenzie Dean	Team: Squad #2	CCRB Case #: 202002496	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/21/2020 2:00 AM	Location of Incident: 1-train at 168th Street Subway Station	Precinct: 33	18 Mo. SOL 9/21/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 03/21/2020 2:53 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 04/02/2020 11:29 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Glenn Oheir	29058	920672	TB DT03

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christian Serpico	28917	934169	TB DT03

Officer(s)	Allegation	Investigator Recommendation
A.POM Glenn Oheir	Off. Language: Police Officer Glenn Oheir made remarks about an individual based upon the gender of an individual.	

Case Summary

On March 21, 2020, § 87(2)(b) filed this complaint with IAB (Original Log #2020-8740), who forwarded it to the CCRB, where it was received on April 2, 2020.

On March 20, 2020 at approximately 2 AM, § 87(2)(b) was inside the 168th Street subway station in Manhattan, on the southbound 1-train platform, when he noticed an unidentified woman, whom he did not know and whom he presumed to be homeless, across the tracks on the northbound platform. A train stopped briefly on the northbound platform and then left. After the train left, § 87(2)(b) saw that the woman was gone. Police Officer Glenn Oheir and Police Officer Christian Serpico of Transit District 3 were on the northbound platform. § 87(2)(b) heard Police Officer Oheir allegedly say something along the lines of, “That bitch doesn’t take a bath” or, “That bitch never takes a bath” to Police Officer Serpico (**Allegation A: Offensive Language – Gender**, § 87(2)(g)). After Police Officer Oheir made this statement, he and Police Officer Serpico exited the station.

No civilians were arrested or summonsed during the incident.

Body-worn camera (BWC) video from Police Officer Serpico’s BWC was received. The footage is in IA #75 (**BR 01**) and summarized in IA #76 (**BR 02**). The footage captured a portion of the officers’ presence in the subway station but did not capture the alleged incident. No footage was obtained from the BWC of Police Officer Oheir. However, the nature of the incident did not require the use of BWC as per Patrol Guide Procedure 212-123.

Findings and Recommendations

Allegation (A) Offensive Language: Police Officer Glenn Oheir made remarks about an individual based upon the gender of an individual.

On April 28, 2020, § 87(2)(b) was interviewed over the phone (**BR 03**) and on April 30, 2020, he answered follow-up questions (**BR 04**). On October 21, 2020, Police Officer Oheir and Police Officer Serpico were interviewed remotely via Microsoft Teams (**BR 05; BR 06**).

It is undisputed that at the time of this incident, Police Officer Serpico and Police Officer Oheir were on the subway platform to inspect train cars for sleeping individuals.

§ 87(2)(b) stated that there was an elderly woman sitting on a bench across the tracks from him on the northbound platform. At one point, Police Officer Serpico and Police Officer Oheir walked past § 87(2)(b) and § 87(2)(b) said, “I wish I could get her a coat or something because she is cold,” referring to the woman. Police Officer Oheir said something along the lines of, “That would make you feel better” or “Oh, that would make you happy.” The officers walked over the bridge to the northbound platform where the unidentified woman was sitting. Shortly thereafter, § 87(2)(b) noticed that the woman was gone. After she left the station, Police Officer Oheir said something along the lines of, “That bitch doesn’t take a bath” or, “That bitch never takes a bath” to Police Officer Serpico. § 87(2)(b) saw Police Officer Oheir make this statement and he recognized his voice when he said this because § 87(2)(b) heard him talking as he was walking throughout the station earlier. Shortly after, the officers looked at § 87(2)(b) and § 87(2)(b) pointed at them and said, “Your mother’s a bitch.”

Police Officer Serpico and Police Officer Oheir provided generally consistent accounts of this incident. They both recalled observing § 87(2)(b) observing them from across the tracks as they inspected train cars for sleeping passengers. They also acknowledged observing multiple apparently homeless individuals sitting on benches throughout the subway station. Neither recalled having made any statements to § 87(2)(b) or having heard § 87(2)(b) make any statements about any of the apparently homeless individuals or to the officers. Police Officer Oheir denied making any statements along the lines of, “That bitch doesn’t take a bath” or, “That bitch never takes a bath” and he did not hear Police Officer Serpico make any statements such as these. Police Officer Serpico denied specifically making a statement to the effect of, “That bitch doesn’t take a bath” and he did not recall if Police Officer Oheir did this.

The BWC footage (**BR 01**) does not capture either Police Officer Serpico or Police Officer

Oheir making any statement to the effect of “That bitch doesn’t take a bath” or, “That bitch never takes a bath” but it only captures a small portion of their time on the subway platform.

Patrol Guide Procedure 203-10 states that using discourteous or disrespectful remarks regarding another person's gender is prohibited (**BR 07**).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 08**).
- Police Officer Glenn Oheir has been a member of service for 22 years and has been a subject in six other CCRB complaints and 12 other allegations, none of which have been substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) does not have any history of convictions in New York City (**BR 09**).
- According to the New York City Comptroller’s Office, as of November 3, 2020, no Notices of Claim had been filed in regards to this incident (**BR 10**).

Squad No.: 2

Investigator: Investigator Dean Investigator Dean 11/24/2020
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang IM Alexander Opoku-Agyemang 11/25/2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date